REMARKS

This responds to the Office Action dated October 4, 2007. Claims 1, 3, 4, 7-10, 16, 25, and 27 are amended, claims 2 and 26 are cancelled, and claims 34-36 are new. Claims 1, 3-25, 27-36 are now pending in this application.

§103 Rejection of the Claims

1. Claims 1, 2, 7-10, 14-20, and 22-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis (US 10/927,814) in view of Rodriguez (US 09/947,890). Applicant respectfully traverses the rejection as applied to the claims in their present form.

The Office Action fails to establish a proper *prima facie* case of obviousness because the proposed combination of Ellis and Rodriguez fails to teach or suggest some of the elements recited in the claims. Applicant cannot find in Ellis or Rodriguez

> each media server configured to: execute the playlist to control video content on the video display; pull video content over the network from the video file server according to the playlist; and convert the pulled video content into a video output signal suitable for display on the video display,

as presently recited in claim 1 and incorporated into claims 7-10, and 14-15. Nor can Applicant find

> a media server comprising ... a processor executing software to execute the playist and retrieve the selected video content over a network according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display,

as presently recited in claim 16 and incorporated into claims 17-20, and 22-24. Nor can Applicant find

> executing the playlist, including: pulling video content associated with a video file from the second network location over the network according to the playlist; [and] translating the video content at the third network location into a video output signal suitable for display,

as recited in claim 25 and incorporated into claims 27-33.

The Office Action states that, in Rodriguez, the viewer is able to select a video from the on-demand listing which initiates a pull request to the head end.[1] However, Applicant cannot find any disclosure of "pulling video content" in Ellis or Rodriguez; either separately or in combination. The Office Action reads the set top box 28 of Ellis onto the media server recited in the claims.[2] However, Ellis refers to a television distribution facility 16 and that the user tunes set top box 28 to a desired television channel.[3] Thus, the set top box of Ellis is tuned to television content broadcast from the facility and does not pull video content. Rodriguez refers to DHCT 20 for receiving signals from the head end 50, and refers to tuning of the DHCT 20.[4] Thus, the DHCT 20 of Rodriguez does not pull video content. Therefore, Ellis and Rodriguez do not teach or suggest pulling video content as recited in the claims.

Additionally, Applicant cannot find

> a playlist in the media server, each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist,

as recited in claim 1. The Office Action concedes that Ellis does not teach at least one playlist in the media server, but reads the titles 94 and 99 on the playlist in the media server.[5] However, FIG. 9 of Rodriguez shows a video rental list 93 of titles of video presentations that are available for rent[6] and does not teach or suggest a playlist in the media server.

Applicant respectfully requests reconsideration and allowance of claims 1, 2, 7-10, 14-20, and 22-33.

2. Claims 3-6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Rodriguez, further in view of Pendakur (US 10/044,544). Applicant respectfully traverses.

Claims 3-6 and 11 ultimately depend on claim 1. The Office Action fails to establish a proper *prima facie* case of obviousness because, for example,

> each media server configured to: execute the playlist to control video content on the video display; pull video content over the network from the video file server

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[1] Office Action, pg. 3.
[2] Office Action, pg. 3.
[3] Ellis, ¶0080.
[4] Rodriguez, ¶0026, ¶0027.
[5] Office Action, pg. 3.
[6] Rodriguez, ¶0048.

> according to the playlist; and convert the pulled video content into a video output signal suitable for display on the video display,

as incorporated into claims 3-6 and 11 from claim 1 is not taught or suggested in any of the cited references either separately or in combination.

Additionally, one of ordinary skill in the art would not reasonably be lead to combine Pendakur with Ellis and Rodriguez. Pendakur refers to a content provider system that consists of a package generation process that assigns metadata to allow a receiver to determine whether a particular consumer will be interested in a particular piece of content.[7] Ellis refers to a television distribution facility 16.[8] Rodriguez refers to a request from a user to see a presentation.[9] Thus, the packaging content of Pendakur is not useful for the television system of Ellis, and in Rodriguez it is known whether a consumer is interested in content so there is no need for the metadata. Therefore, one of ordinary skill in the art would not reasonably be led to combine Pendakur with Ellis and Rodriguez.

Applicant respectfully requests reconsideration and allowance of claims 3-6 and 11.

3. Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Rodriguez, further in view of Pendakur, and further in view of Brooks (US 09/956,688). Applicant respectfully traverses.

Claims 12 and 13 ultimately depend on claim 1. The Office Action fails to establish a proper *prima facie* case of obviousness because, for example,

> each media server configured to: execute the playlist to control video content on the video display; pull video content over the network from the video file server according to the playlist; and convert the pulled video content into a video output signal suitable for display on the video display,

as incorporated into claims 12 and 13 from claim 1 is not taught or suggested in any of the cited references either separately or in combination.

Additionally, one of ordinary skill in the art would not reasonably be lead to combine Brooks with Pendakur, Ellis and Rodriguez. The Office States that the motivation to combine the references would have been to enable the media server to determine if there were any viewers

[7] Pendakur, ¶0051.
[8] Ellis, ¶0080.
[9] Rodriguez, ¶0049.

within a given distance. However, Ellis refers to an interactive program guide[10] and Rodriguez refers to a video on demand system where video presentations are selected by the user.[11] Therefore, there is no need in Ellis and Rodriguez for a sensor to determine whether a user is present because the devices are interactive.

Applicant respectfully requests reconsideration and allowance of claims 12 and 13.

4. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Rodriguez, further in view of Brooks. Applicant respectfully traverses.

Claim 21 ultimately depends on claim 16. The Office Action fails to establish a proper *prima facie* case of obviousness because, for example,

> a media server comprising ... a processor executing software to execute the playist and retrieve the selected video content over a network according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display,

as incorporated into claim 21 from claim 16 is not taught or suggested in any of the cited references either separately or in combination. Applicant respectfully requests reconsideration and allowance of claim 21.

New Claims

Claims 34-36 are new. Applicant respectfully requests entry of the claims for examination.

[10] Ellis, Abstract.
[11] Rodriguez, ¶0049.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25 day of January 2008.

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